

STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL

100 North Carson Street
Carson City, Nevada 89701-4717

CATHERINE CORTEZ MASTO
Attorney General

KEITH G. MUNRO
Assistant Attorney General

GREGORY M. SMITH
Chief of Staff

July 24, 2012

Sent via messenger service

Scott A. Glogovac, Esq.
David McElroy, Esq.
Burton, Bartlett & Glogovac
50 West Liberty Street, Ste. 700
Reno, Nevada 89501

Re: *Reno Newspapers, Inc. v. Jim Gibbons, Governor of the State of Nevada; and State of Nevada ex rel. Office of the Governor of the State of Nevada, Case No. 08 OC 00364 1B (First Jud. Dist.).*

Dear Mssrs. Glogovac and McElroy:

Pursuant to the Court's order and writ of mandate dated and filed on July 11, 2012 (copy attached), I have enclosed with this letter copies of the remaining disputed email messages requested by your client, Reno Newspapers, Inc., from the Governor's Office.

Please call on me if you have any questions or concerns.

CATHERINE CORTEZ MASTO,
Attorney General for the State of Nevada

By: _____

C. Wayne Howle
C. Wayne Howle
Solicitor General
(775) 684-1227; Fax (775) 684-1108
whowle@ag.nv.gov

CWH:vjb/enclosures

cc: Lucas Foletta, Esq.

1 Case No. 08 OC 00364 1B

2 Dept. No. 1

REC'D & FILED

2012 JUL 11 PM 5:31

ALAN GLOVER

BY ~~L. HIGGINS~~ CLERK
DEPT. OF

3
4
5
6 IN THE FIRST JUDICIAL DISTRICT COURT OF RESPONDENTS OF NEVADA
7 IN AND FOR CARSON CITY

8 RENO NEWSPAPERS, INC., a Nevada
9 corporation,

10 Petitioner,

11 vs.

ORDER GRANTING PETITION FOR
WRIT OF MANDAMUS

12 JIM GIBBONS, GOVERNOR OF
13 RESPONDENTS OF NEVADA; and STATE
14 OF NEVADA, ex rel. Office of the Governor
of Respondents of Nevada,

15 Respondents.

16
17 Before the Court is a request for relief submitted by Petitioner Reno Newspapers,
18 Inc., a Nevada corporation d/b/a the Reno Gazette-Journal ("RGJ"). The request is
19 supplemental to the petition for writ of mandamus filed by the RGJ pursuant to NRS
20 chapter 239, the Nevada Public Records Act ("NPRO"). The petition and request for relief
21 seek an order from this Court compelling Respondents to produce certain e-mail
22 communications sent over a six-month time period between Governor Gibbons and ten
23 specified individuals.

24
25 On June 20, 2012, a hearing on the request was held in open court at which time
26 RGJ and Respondents presented their respective arguments. The Court has fully
27 considered those arguments, as well as the matters presented in the various court filings in
28 this action, and now finds and concludes as follows:

1 **I. Background.**

2 This case is before this Court on remand from the December 15, 2011 en banc
3 decision of the Nevada Supreme Court (Reno Newspapers v. Gibbons, 127 Nev. Adv. Op.
4 No. 79 (2011); hereinafter, the "Decision"). On appeal, the Nevada Supreme Court, sitting
5 en banc, held that it was Respondents' duty under the NPRA to provide a detailed log to
6 RGJ with respect to unproduced e-mail communications sent over a six-month time period
7 between Governor Gibbons and ten individuals. A description of the prior proceedings in
8 this case is contained in the Decision.

9
10 Following the Decision, and upon remand, this Court issued an order on December
11 20, 2011 which specifically required Respondents to prepare and provide to RGJ a log
12 containing a "general factual description of each of the 98 emails withheld ... and a specific
13 explanation for the non-disclosure." On January 17, 2012, Respondents provided a table,
14 denoted a "privilege log", showing the date, time, sender(s), recipient(s), a limited
15 description of the content, and the name, but no analysis, of the privilege(s) Respondents
16 contended were applicable as to each of the 94 emails they continued to withhold (the
17 "Log"). In addition, Respondents produced 10 emails not previously produced which they
18 admitted are not confidential.

19
20
21 On March 6, 2012, this Court entered an Order finding the Log deficient. The Order
22 specifically found that "the log provided by the Respondents does not appear to meet the
23 express direction of the Nevada Supreme Court's Decision or this Court's Order of
24 December 20, 2011." The Order further directed the parties to meet and confer to
25 determine if an agreement could be reached as to the release of the withheld documents.

26
27 Thereafter, Respondents produced an amended privilege log (the "Amended Log"),
28 together with ten additional emails they no longer claimed were confidential. In

1 Respondents' description of the emails they continued to withhold, the Amended Log
2 varied little from limited descriptions in the Original log. And with respect to the alleged
3 legal reasons for non-disclosure, the Amended Log identified four claimed privileges: (i)
4 personal privacy, (ii) marital privilege, (iii) deliberative process, and (iv) a privilege based on
5 the alleged defamatory content in certain emails.
6

7 RGJ continued to dispute whether production of the Amended Log and the
8 additional emails exhausted Respondents' responsibilities as set forth in the Decision, and
9 filed the status report and request for relief. Respondents opposed the request for relief,
10 basically contending that the Amended Log constituted a legally sufficient index and that
11 the unproduced emails were confidential. With respect to confidentiality, in addition to the
12 four grounds set forth in the Amended Log, Respondents argued a fifth legal ground based
13 upon NRS 378.290. Respondents also affirmatively represented in their opposition that
14 they did not intend to provide any additional information to support their claims of
15 confidentiality. As a result, the Court finds that this case is ripe for decision.
16

17 **II. Legal Standards in Public Records Matters.**

18 In the Decision, the Nevada Supreme Court detailed the framework under which
19 cases under the NPRA are to be decided:
20

21 Our jurisprudence has therefore established a framework for testing claims of
22 confidentiality under the backdrop of the NPRA's declaration that its
23 provisions "must be construed liberally" to facilitate access to public records,
24 NRS 239.001(2), and that any restrictions on access "must be construed
25 narrowly." NRS 239.001(3). First, we begin with the presumption that all
26 government-generated records are open to disclosure. See Reno
27 Newspapers v. Sheriff, 126 Nev. at ___, 234 P.3d at 924; DR Partners, 116
28 Nev. at 621, 6 P.3d at 468. The state entity therefore bears the burden of
overcoming this presumption by proving, by a preponderance of the
evidence, that the requested records are confidential. NRS 239.0113; DR
Partners, 116 Nev. at 621, 6 P.3d at 468. Next, in the absence of a statutory
provision that explicitly declares a record to be confidential, any limitations on
disclosure must be based upon a broad balancing of the interests involved,
DR Partners, 116 Nev. at 622, 6 P.3d at 468; Bradshaw, 106 Nev. at 635,
798 P.2d at 147, and the state entity bears the burden to prove that its

1 interest in nondisclosure clearly outweighs the public's interest in access.
2 Reno Newspapers v. Sheriff, 126 Nev. at ___, 234 P.3d at 927. Finally, our
3 caselaw stresses that the state entity cannot meet this burden with a non-
4 particularized showing, DR Partners, 116 Nev. at 627-28, 6 P.3d at 472-73,
or by expressing hypothetical concerns. Reno Newspapers v. Sheriff, 126
Nev. at ___, 234 P.3d at 927.

5 Decision at pp. 8-9.

6 In addition, the Nevada Supreme Court addressed the requirement that the recipient
7 of a public records request provide a detailed log with respect to any records which are not
8 produced. The requirement for such a log arises out of the need to preserve the
9 adversarial process in public records cases, so that the requesting party is not deprived of
10 a meaningful opportunity to contest any claims of confidentiality. In describing the form of
11 the required log, the Court noted that the "log should contain, at a minimum, a general
12 factual description of each record withheld and a specific explanation for nondisclosure".
13 See Decision at pp. 12-13. The Court also explained that the log must provide the
14 requesting party an explanation for nondisclosure in as much detail as possible in order to
15 preserve the adversarial process. See Decision at p. 13, note 3, citing Lion Raisins v. U.S.
16 Dept. of Agriculture, 354 F.3d 1072, 1084 (9th Cir. 2004).

17 Further, the Nevada Supreme Court discussed the independent prelitigation duty
18 under the NPRA for the recipient of a public records request to specify the legal rational for
19 the withholding of records. In particular, the Court refused to conclude that "merely pinning
20 a string of citations to a boilerplate declaration of confidentiality satisfies [the] prelitigation
21 obligation under NRS 239.0107(1)(d)(2) to cite to 'specific' authority 'that makes the public
22 book or record, or a part thereof, confidential.'" See Decision at p. 16-17.

23 As to how the government is to meet the standards to show that particular records
24 are confidential, the Nevada Supreme Court in the Decision states that the presumption of
25 openness can be overcome "by proving, by a preponderance of the evidence, that the
26
27
28

1 requested records are confidential." This Court concludes that, by this statement, what is
2 required is some particularized, non-hypothetical evidentiary showing, through affidavit or
3 other competent proof, that by a preponderance of evidence the withheld records fall within
4 established grounds justifying non-disclosure. For example, if the deliberative process
5 privilege is claimed, the government must prove by competent evidence that the particular
6 records for which the privilege is claimed meet the standards established in DR Partners v.
7 Board of County Commissioners, 116 Nev. 616, 6 P.3d 465 (2000). If a privacy privilege is
8 claimed, proof must be provided as to the nature and scope of the particular privacy
9 interests at stake, so that the balancing test established in Donrey of Nevada v. Bradshaw,
10 106 Nev. 630, 798 P.2d 144 (1990), and narrowed in Reno Newspapers v. Sheriff, 126
11 Nev. ___, ___, 234 P.3d 922, 923 (2010) (public's right of access must be "clearly"
12 outweighed by privacy interests in non-disclosure), can be applied by the Court, and
13 meaningfully contested by the requesting party.

14
15 With these standards in mind, and for the reasons set forth below, the Court finds
16 and concludes that the RGJ is entitled to production of all of the records identified in the
17 Amended Log.

18
19 **III. Respondents' Claims of Confidentiality and the Legal Sufficiency of Amended**
20 **Log.**

21 With respect to the legal sufficiency of the Amended Log submitted by
22 Respondents, the Court finds and concludes that it is deficient and does not meet the
23 standards established by the Nevada Supreme Court in the Decision. A review of the
24 Amended Log shows that only a minimal factual description is provided with respect to the
25 withheld records. And the legal authorities cited in the Amended Log are not tied to the
26 asserted grounds for the withholding of any particular record. Under the Decision, this
27 Court must examine whether Respondents' explanation for the withholding of records is
28

1 "full and specific enough to afford the [RGJ] a meaningful opportunity to contest, and the
2 district court an adequate foundation to review, the soundness of the withholding." See
3 Decision at note 5, citing Davin v. U.S. Dept. of Justice, 60 F.3d 1043, 1049 (3d Cir. 1995),
4 quoting McDonnell v. U.S., 4 F.3d 1227, 1242 (3d Cir. 1993). As detailed below with
5 respect to the various claims confidentiality asserted by Respondents, the Court finds and
6 concludes that the Amended Log fails to support the soundness of the withholding of the
7 records at issue in this case.

9 **1. Withholding of Records Based Upon Personal Privacy.**

10 As to Respondents' nondisclosure of records based upon personal privacy
11 concerns, the Court finds and concludes that the Amended Log fails to justify the
12 soundness of the withholding. Respondents have not met their burden to prove, by a
13 preponderance of evidence, that the requested records are confidential in light of the
14 presumption of openness mandated by the NPRA.

16 The Decision requires that, with respect to the assertion of common law privileges
17 such as personal privacy, any limitations on disclosure must be based upon a broad
18 balancing of the interests involved, and that the state entity bears the burden to prove that
19 its interest in nondisclosure clearly outweighs the public's interest in access. Here,
20 Respondents have failed to identify or establish the particular personal privacy rights at
21 issue, or how these interests can or should be weighed with respect to any particular
22 record in question. And, as noted in the Decision, Nevada's public records jurisprudence
23 stresses that the state entity cannot meet its burden with a non-particularized showing or
24 by expressing hypothetical concerns.
25
26
27
28

1 As a result, the Court finds and concludes that Respondents have not met their
2 burden of proof, and have not established a right to withhold any of the records in question
3 based upon claimed personal privacy concerns.

4 **2. Withholding of Records Based Upon Deliberative Process Privilege.**

5 The claimed basis for the withholding of a majority of the emails in question is the
6 common law deliberative process privilege. However, for the deliberative process privilege
7 to apply, the withheld records must be both "predecisional" and "deliberative". DR Partners
8 v. Board of County Commissioners, 116 Nev. 616, 623, 6 P.3d 465, 469 (2000). To
9 establish that a document is "predecisional", the government "must identify an agency
10 decision or policy to which the documents contributed." Id., citing Senate of Puerto Rico v.
11 U.S. Dept. of Justice, 823 F.2d 574, 585 (D.C.Cir.1987). To make this determination,
12 information must be provided to allow the court and the requesting party to pinpoint the
13 decision or policy to which the documents allegedly contributed, and the government
14 "bears the burden of establishing the character of the decision, the deliberative process
15 involved, and the role played by the documents in the course of that process." DR
16 Partners, supra, 116 Nev. at 623, 6 P.3d at 470, quoting Paisley v. C.I.A., 712 F.2d 686,
17 698-99 (D.C.Cir.1983).

18 Here, the Court finds and concludes that Respondents have failed to meet this
19 burden. The Amended Log does not particularize the decisions or policies in question, their
20 character, the deliberative process involved, or the role the withheld documents might have
21 played. This information is required as a prerequisite for the Court to balance the interests
22 involved, and for the RGJ to have a meaningful opportunity to contest the claims of
23 confidentiality.

1 In addition, "to qualify as part of 'deliberative' process, the materials requested must
2 consist of opinions, recommendations, or advice about agency policies." DR Partners,
3 supra, 116 Nev. at 623, 6 P.3d at 469. The privilege is not designed to protect purely
4 factual matters which are severable from otherwise deliberative material. Id. Here, there
5 has been no showing by Respondents that the subject emails consist solely of "opinions,
6 recommendations, or advice", or that any effort has been made to segregate and produce
7 factual material.
8

9 For these reasons, the Court finds and concludes that Respondents, through the
10 Amended Log or otherwise, have failed to make the required particularized evidentiary
11 showing that the common law deliberative process privilege is properly applicable to any of
12 the withheld documents.
13

14 **3. Withholding of Records Based Upon Marital Privilege, Defamatory**
15 **Content, and/or NRS Deliberative Process Privilege.**

16 The Court has reviewed Respondents' arguments and citations of legal authority
17 with respect to the asserted applicability of a marital privilege, a claimed defamatory
18 content privilege, and/or confidentiality based on NRS 378.290. The Court finds and
19 concludes that these arguments are without merit.

20 As to the claimed marital privilege with respect to emails between Governor Gibbons
21 and Dawn Gibbons, the Court finds the privilege inapplicable. The marital privilege is
22 testimonial in nature, and would thus only apply in this case if the RGJ were requesting
23 either Governor Gibbons or Dawn Gibbons to provide testimony about their confidential
24 communications. Also, the privilege only applies to communications in which there is some
25 expectation of privacy. See Fields v. State, 220 P.3d 709, 717 (Nev. 2009). Thus, even if
26 applicable in public records matters, the scope and existence of the marital privilege has
27
28

1 not been established in this case for the same reasons set forth above with respect to
2 Respondents' personal privacy claims.

3 As to the asserted privilege based upon the claimed defamatory content of some of
4 the records in question, the Court cannot conclude that such a privilege exists in public
5 records cases. None of the authorities cited to the Court establish such a privilege, and the
6 Court will not create one without a proper legal foundation.

7
8 Lastly, Respondents appear to claim confidentiality based upon NRS 378.290,
9 which addresses the duties of the Governor's Office to transfer "correspondence sent or
10 received by the Governor or employees of the office" to the Division of State Library and
11 Archives prior to leaving office. NRS 378.290(1). However, the statute only applies to the
12 disclosure of documents by the Division of State Library and Archives. Here, RGJ is not
13 seeking documents from the Division; the documents are sought from Respondents who
14 continue to hold them. And the documents were requested at a time when Governor
15 Gibbons was still in office and had not transferred them to the Division. The Court thus
16 finds and concludes that NRS 378.290 is not applicable to the issues before it.

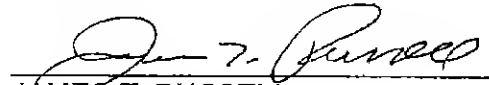
17
18 As a final matter, the Court notes that it has had the opportunity to review the
19 contents of the actual emails at issue in this case. The Court finds that, even if the
20 Amended Log met the standards set forth in the Decision, it is highly doubtful that
21 Respondents would have been able to meet their evidentiary burden with respect to
22 confidentiality.

23
24 Based upon the foregoing, and good cause appearing,

25 IT IS HEREBY ORDERED that the RGJ's petition for writ of mandamus is
26 GRANTED, and that Respondents shall produce to RGJ all of the documents identified
27 in the Amended Log within Ten days from the date of this order.
28

1 IT IS FURTHER ORDERED that the RGJ, as the prevailing party in this matter, shall
2 recover its costs and reasonable attorney's fees as allowed by NRS 239.011.

3 DATED: July 11, 2012

4
5 
6 JAMES T. RUSSELL
7 District Judge
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Jim Gibbons

From: Perry DiLoreto [perry@forumdevelopment.com]
Sent: Wednesday, April 16, 2008 9:52 AM
To: Basillico@aol.com; Jim Gibbons; WJRRNO@aol.com; ron.bath@rjbath.com; tjday@dacole.com
Cc: jgrider@wiegandgroup.com
Subject: RE: Weekend - April 18-19, 2008

Sounds great! I do really well at night on dark country roads.

Looking forward to this one!!

From: Basillico@aol.com [mailto:Basillico@aol.com]
Sent: Wednesday, April 16, 2008 8:25 AM
To: jgibbons@gov.nv.gov; WJRRNO@aol.com; ron.bath@rjbath.com; tjday@dacole.com; Perry DiLoreto
Cc: jgrider@wiegandgroup.com; Basillico@aol.com
Subject: Weekend - April 18-19, 2008

Good Morning

Barron Hilton has invited us to lunch on Saturday. He has also offered his various aircraft to enjoy in the morning before lunch.

He had also invited us to dinner on Friday night but I advised him that we had "business" at Rafter 7.

Perry, you are the designated driver from Barron's!

See you Friday at 4p at Mercury Air. Ski!

It's Tax Time! Get tips, forms and advice on AOL Money & Finance.

Jim Gibbons

From: Mendy K. Elliott
Sent: Monday, April 21, 2008 7:19 PM
To: Jim Gibbons
Subject: Thank you

Sir

Thank you for attending Steve's birthday party. It was an honor to have you share in the festivities.

Of greater importance to me, thank you for your kind words of support. They mean a lot to me. The last thing I would ever want to do is embarrass you sir.

Mendy K. Elliott
Department of Business and Industry
NOTICE:

This e-mail message and any attachments to it may contain confidential information. The information contained in this transmission is intended solely for the use of the individual(s) or entities to which the e-mail is addressed. If you are not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that you are prohibited from reviewing, retransmitting, converting to hard copy, copying, disseminating, or otherwise using in any manner this e-mail or any attachments to it. If you have received this message in error, please notify the sender by replying to this message and delete it from your computer.

Jim Gibbons

From: Mendy K. Elliott
Sent: Friday, May 02, 2008 4:54 AM
To: Jim Gibbons
Subject: FW: WE ALL WON CRIIS!!!
Importance: High

Sir

Thought you would find this one interesting. Perry is my brother who was in charge of this project for Boeing. He has worked on this project for two years. This new system will benefit Derek and Jimmy as they are serving our country.

Mendy K. Elliott

Director of Business and Industry

"Serving Nevada One Client at a Time"

Telephone: 775 684 2999

FAX: 775 684 2998

From: Karraker, Perry [mailto:perry.karraker@boeing.com]

Sent: Thursday, May 01, 2008 3:00 PM

To: Eric.martin@L-3 IEC; Brundage, Bill (L-3 IEC); Lloyd, Rick (L-3 IEC); Pearson, Steve (L-3 IEC); Wells, Larry (L-3 IEC); Chris VanderValk (L-3 Nova); Fischer, Ken (L-3 NOVA); Fischer, Mark R (L-3 Nova); Mark Geoghegan (L-3 Nova); Mike Gelle (L-3 Nova); Niedermier, Paul (L-3 Nova); Robert Dickson (L-3 Nova); Warden, Steve (L-3 Nova); Dr. Jeffrey Fayman@Geodetics; Dr. Lydia Bock @Geodetics; Brannon, Marcia @ TW; Patrick.Donnantuoni@L-3Com TW; Stan Watkins @ L-3 TW; Ballard, Matt; ronald.d.buck@boeing.com; ronald.l.carter2@boeing.com; michael.w.dennis-leigh@boeing.com; James.Dodson2@boeing.com; sharrel.m.harpe@boeing.com; Headrick, John B; christa.hornbaker@boeing.com; david.m.hornbaker@boeing.com; ellis.h.latimer@boeing.com; jane.e.lau@boeing.com; Karl.D.Liebert@boeing.com; chris.m.mazour@boeing.com; michael.j.piel@boeing.com; Pinski, William J; Poole, Sally J; Rose, Larry B; jessica.m.schneider@boeing.com; douglas.b.soifer@boeing.com; Thoman, Jeffrey N; Jonathan.Zamminer@boeing.com; joseph.j.zehnle@boeing.com; Zimpfer, Timothy W
Cc: Holloway, Stacey R; Zeller, Tom; richard.l.anconetani@boeing.com; robert.w.marinan@boeing.com; susie.w.smith@boeing.com; ronald.a.aarns@boeing.com; randal.s.deidrick@boeing.com; bruce.k.fasterling@boeing.com; Anthony.Jones@boeing.com; dean.a.queathem@boeing.com; vinayak.m.rajagopal@boeing.com; thomas.w.shadrach@boeing.com

Subject: WE ALL WON CRIIS!!!

Importance: High

We Won! Congratulations to the entire CRIIS team: L-3 IEC; L-3 Nova; L-3 TW; Geodetics, and the entire Boeing team for winning CRIIS. This is a major milestone that each of you have worked so very hard to achieve. Tony Jones (VP for TSS) was notified by Dr Simpson of the win. Way to go Team!

AIR FORCE

McDonnell Douglas Corp., A Wholly-Owned Subsidiary of the Boeing Co., of St. Louis, Mo., is being awarded a firm-fixed price contract for \$34,666,348 (Boeing) and \$41,958,555 (Rockwell). This contract action will provide Common Range Integrated Instrumentation System (CRIIS) 24 month Risk Reduction and Technology Maturation Phase. CRIIS is the next generation range instrumentation system intended to replace the aging Advanced Range Data System currently in use at major Air Force, Army, and Navy test ranges. CRIIS will provide accurate time,

Reno Newspapers, Inc. v. Jim Gibbons et al.

Case No. 08 OC 00364 1B

PRIVILEGED AND CONFIDENTIAL

6/11/2008

Jim Gibbons

From: Mendy K. Elliott
Sent: Friday, May 02, 2008 5:03 PM
To: Jim Gibbons
Subject: Today

Sir

I am saddened by your recent announcement. If there is anything that I can do just let me know. If you would like to have a quiet dinner with a Judge and a State Employee sometime just let me know. Steve BBQ's a mean Rib-Eye!

Mendy K. Elliott

☒ Business and Industry

Director

"Serving Nevadans One Client at a Time"

Phone: 775 684 2999

Fax: 775 684 2998

NOTICE:

This e-mail message and any attachments to it may contain confidential information. The information contained in this transmission is intended solely for the use of the individual(s) or entities to which the e-mail is addressed. If you are not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that you are prohibited from reviewing, retransmitting, converting to hard copy, copying, disseminating, or otherwise using in any manner this e-mail or any attachments to it. If you have received this message in error, please notify the sender by replying to this message and delete it from your computer.

Jim Gibbons

From: Perry DiLoreto [perry@forumdevelopment.com]

Sent: Tuesday, May 06, 2008 10:30 PM

To: Jim Gibbons

Just checking to see how you are doing?

Perry Di Loreto
500 Damonte Ranch Parkway # 703
Reno, NV 89521
(775) 359-3000

Reno Newspapers, Inc. v. Jim Gibbons et
al.

Case No. 08 OC 00364 1B

PRIVILEGED AND CONFIDENTIAL

Page 6

6/11/2008

Re:

Page 1 of 1

Jim Gibbons

From: Perry DiLoreto [perry@forumdevelopment.com]
Sent: Wednesday, May 07, 2008 8:03 AM
To: Jim Gibbons
Subject: RE:

Looking forward to it!

From: Jim Gibbons [mailto:jgibbons@gov.nv.gov]
Sent: Wednesday, May 07, 2008 7:55 AM
To: Perry DiLoreto
Subject: Re:

Perry,
I think I'm doing ok. Every morning now I get and check the newspaper to see if I doing ok, or coming apart at the seams!
Thank you for asking, it means a lot to me to know you care enough to ask. Anyway, I know I will get through all this and be a stronger Governor in the end. Hope all is well with you, Patty and the family. Let's go to lunch sometime soon. I will call and set it up. Cheers, jim Gibbons

----- Original Message -----

From: Perry DiLoreto <perry@forumdevelopment.com>
To: Jim Gibbons
Sent: Tue May 06 22:30:29 2008
Subject:

Just checking to see how you are doing?

Perry Di Loreto

500 Damonte Ranch Parkway # 703

Reno, NV 89521

(775) 359-3000

Reno Newspapers, Inc. v. Jim Gibbons et al.

Case No. 08 OC 00364 1B

PRIVILEGED AND CONFIDENTIAL

Page 7

6/11/2008

Jim Gibbons

From: Perry DiLoreto [perry@forumdevelopment.com]

Sent: Thursday, May 29, 2008 8:21 PM

To: Jim Gibbons

Hi,

It was good to see you yesterday! (great photo op) You look good but I can certainly tell the pressure of this ordeal is getting to you. I know you're getting hammered in the press and that's not easy to take without fighting back. I think it would be good to start "exporting" some of the stress and pain. I'm concerned about you. I don't feel comfortable just "asking" if there is anything I can do; you have friends that will take this on with you. I'm around all weekend as is RJ if you would like to get together. Let RJ or me know what you're doing.

Perry Di Loreto
500 Damonte Ranch Parkway # 703
Reno, NV 89521
(775) 359-3000

Jim Gibbons

From: Dianne Cornwall

Sent: Wednesday, June 04, 2008 12:49 PM

To: Jim Gibbons

Governor:

DELTA retirement: 1-800-400-7242 - you can do this one over the phone

DOD: you can do this online at DFAS.mil go to my pay - you will need a pin number, etc., or you can call 1-800-321-1080

Congressional: Must have new account number and bank routing # - that is the lower left-hand 9 digit number on your check - call 1-724-794-2005 (faster) or the general number 1-202-606-0500 long wait

Could not find anything on MET life - you can close the account and let it bounce - they will then contact you at the Kinney Lane address or try to find the original policy -

**DIANNE CORNWALL
CHIEF OPERATING OFFICER
GOVERNOR JIM GIBBONS**

Reno Newspapers, Inc. v. Jim Gibbons et
al.

Case No. 08 OC 00364 1B

PRIVILEGED AND CONFIDENTIAL

Page 10

6/11/2008

Jim Gibbons

From: Perry DiLoreto [perry@forumdevelopment.com]
Sent: Monday, April 14, 2008 4:29 PM
To: Jim Gibbons; ron.bath@rjbath.com; jpabiz@charter.net
Subject: FW: Salute America's Heroes
Attachments: 3730B97975-Save_the_Date.doc; 451012145-Sponsorship Form LH.pdf

Hi All,

I would like to start out by thanking each of you (and spouses) for your participation in last Friday's dinner. The information and ideas received and exchanged will be invaluable as we move ahead with the potential expansion of the mission of the Nevada Patriot Fund. I can't think of any cause more deserving than that of providing total support to the combat injured and or disabled members of our Armed Forces and their families.

I am personally committed to this cause and as such you will all be hearing more from me as I am able to advance. This will continue to be something done "by Nevadans for Nevadans" on a local basis.

By copy of this forwarded e mail and the attachments I would like to make you aware of an event to be held on Sept Bth. As you will see the Chairman for this fund raiser is my youngest brother Greg. The beneficiary of the event is the Coalition to Salute America's Heroes. This is the organization whose activities, on behalf of Disabled Veterans, were the subject of the video that we watched Friday night at dinner. I would like to support this Coalition and my brother in their efforts to raise money for their cause. This Coalition and its' activities gave me the idea that we should do something similar in Nevada. As such I would like to invite all of you to attend the dinner portion of this event with me and to be a part of the brief dinner program. I know many of the people that will be there and I am sure they would be thrilled to hear a few comments from the Governor of Nevada, Gen Abizaid and Gen. Bath, besides it would give me a chance to "show off" what great talent we have here in Nevada.

If your schedules permit we could depart Reno, in my plane, for the 25 minute trip to Concord Ca. at 3pm that day, attend the function and return that same evening not later than 9pm. Also it may be easier for John if we stopped to pick him up at the Douglas Co. Airport to save him the travel to Reno.

Please check your schedules and let me know if this will work out for each of you.

Thanks again for your participation and support! I am very proud to know each of you.

From: Brian Seck [mailto:giveandgolf@yahoo.com]
Sent: Monday, April 14, 2008 11:26 AM
To: Rich Amaro, Jr.; Harry Angus; John Antaki; Mark Blake; Ed Broda; Terence Church; Clark Colvis; Donna Dao; Brandon Day; Doug de Urios; Laurie Dennen; Rick & Gloria DeSantos; Greg Di Loreto; Perry DiLoreto; Tom DiLoreto; Gene Dolan; Robert Downum; Mike Ellas; Dominic Freschi; Shanda Fuller; Joe Garaventa; David Hanks; Gary Hirschbein; James C Jenkins; Ken Kaplan; Steve Kaplan; Howard Lind; Henrik Mann; Allen Martorelli; Michelle Matlin; Roy Mills; Ed Moresi; Kevin O'Connell; John Parodi; Mark Peterson; Orin Pierce; Mary Jo Rossi; Paul Savarino; Rick Scofield; Brian Seibel; John Selberg; Bob Shoreen; Michael Simmons; Steve Small; Dinah Thompson; Greg Vaisnor; Domenick Vaticano; Rick Wilkins; James Wohleb
Subject: Salute America's Heroes

Reno Newspapers, Inc. v. Jim Gibbons et al.

Case No. 08 OC 00364 1B

PRIVILEGED AND CONFIDENTIAL

Page 11

6/11/2008

My Friends & Patriotic Americans:

I trust that things are healthy with you, your family and that business is good. I realize that we are experiencing trying times and these days can get a little crazy to handle considering the economy, our own businesses, the political climate and our family functions, but I remain positive that it will all work out and that better days are ahead. Just remember, by virtue of being an American, we have it better off than approx. 90% of the population of the world....interesting...

If I may, I would like to announce some terrific news and ask that you take due notice and give this matter the considerable attention it deserves.

In our fast paced lives and overloaded calendars, it is important for us pause a moment, reflect and give tribute to those dedicated, yet unsung heroes, that make it possible for all of us, "The Republic", to live the dream that we do in America.

As referenced above, you will see that I am involved with a very special Fund Raising Golf Event to which the purpose and recipients I am passionate about. The name of the Organization is; "**Coalition to Salute America's Heroes**" aka (CSAH). In short, CSAH provides caring assistance to help rehabilitate the lives of our injured veteran soldiers (and their families) who are returning home from battle abroad.

The attachments in this e-mail will give you more information, so please read on and even visit their website at www.saluteheroes.org. I am sure that you will find, as I have, what a tremendous purpose this Non-Profit Charity Organization serves and provides to our heroes.

It is with my best intentions that I share such an event and organization with you and ask you to consider joining in a meaningful effort to..... **give back to those who gave it all.**

Thank you for your time and attention regarding this event. Should you require additional information or clarification regarding this event or CSAH, please feel free to contact me directly at (925) 766-4643.

In all that you do, I wish you the best,

Greg Di Loreto, Bravo Building Co. Inc.
Chairman

Brandon Day, Wachovia Securities
Co-Chairman

Jim Gibbons

From: Perry DiLoreto [perry@forumdevelopment.com]

Sent: Tuesday, April 22, 2008 3:48 PM

To: Jim Gibbons

Hi Gov.,

I've been trying to remember what we had for dinner last Friday evening (at our 1st CV Gathering) along with the joke I wanted to tell everyone. I'm not making much headway. Can you help?

Two items for you:

1. On June 5 at 1:30pm there will be a dedication of the Activity Center at the Kids Cottage. This is the charity project that has been the focus of my attention for the last 5 years. I, in conjunction with the Reno Rodeo Foundation and the Rodeo Assoc. spearheaded this \$2,250,000.00 effort and the project is ready to turn over. Your scheduling assistant has been notified and you will get an invitation. I just wanted to give you a heads up. It will be great if your schedule permits for you to attend and say a few words. If you can attend I will provide a detailed background on the project and participants.
2. Another meeting was held this morning at the Builders Assoc. offices regarding the vote for the new taxes to be put on the ballot for school funding. The Chamber and the Board of Realtors were also present. Their collective positions are that they will not support a ballot question for school funding that does not include a real property tax portion. I presented my arguments and told them your position on the subject. At this time they will not change their position. Our vote is tomorrow. They may be right in "principal" but I feel this may doom the effort. I have done my very best, we'll see what happens now.

Take care!!

Perry Di Loreto
500 Damonte Ranch Parkway # 703
Reno, NV 89521
(775) 359-3000

Reno Newspapers, Inc. v. Jim Gibbons et
al.

Case No. 08 OC 00364 1B

PRIVILEGED AND CONFIDENTIAL

Page 13

6/11/2008

Re:

Page 1 of 2

Jim Gibbons

From: Perry DiLoreto [perry@forumdevelopment.com]
Sent: Tuesday, April 22, 2008 6:42 PM
To: Jim Gibbons
Subject: Re:

It was a pleasure spending the time with you !

I agree about the real estate folks. .

I will someday remember my joke.

Perry M. Di Loreto

-----Original Message-----

From: Jim Gibbons <jgibbons@gov.nv.gov>
To: Perry DiLoreto
Sent: Tue Apr 22 17:31:36 2008
Subject: Re:

Perry,

Thanks for the update on the school tax issue. I am still convinced that the Reno Board of Realtor's position is designed to make sure that the ballot question fails to pass. But, that is just my uninformed opinion.

As for the Kid's Cottage event in June 5th, I will look forward to seeing you there.

Right now I am having a hamburger at Red Robin, and I am fully aware of having dinner right now. But, last Friday is another issue. I have sworn off gin for a while, a long while. Or, atleast until the party out at the ranch. I had a really great time. Thank you so much for putting the event together with Skip, Ron, and Baron Hilton. (I can remember some things, but not your joke or dinner ;-)

Jim Gibbons
Governor

----- Original Message -----

From: Perry DiLoreto <perry@forumdevelopment.com>
To: Jim Gibbons
Sent: Tue Apr 22 15:47:52 2008
Subject:

Hi Gov.,

I've been trying to remember what we had for dinner last Friday evening (at our 1st CV Gathering) along with the joke I wanted to tell everyone. I'm not making much headway. Can you help?

Two items for you:

1. On June 5 at 1:30pm there will be a dedication of the Activity Center at the Kids Cottage. This is the charity project that has been the focus of my attention for the last 5 years. I, in conjunction with the Reno Rodeo Foundation and the Rodeo

Reno Newspapers, Inc. v. Jim Gibbons et al.

Case No. 08 OC 00364 1B

PRIVILEGED AND CONFIDENTIAL

Page 14

6/11/2008

Re:

Page 2 of 2

Assoc. spearheaded this \$2,250,000.00 effort and the project is ready to turn over. Your scheduling assistant has been notified and you will get an invitation. I just wanted to give you a heads up. It will be great if your schedule permits for you to attend and say a few words. If you can attend I will provide a detailed background on the project and participants.

2. Another meeting was held this morning at the Builders Assoc. offices regarding the vote for the new taxes to be put on the ballot for school funding.

The Chamber and the Board of Realtors were also present. Their collective positions are that they will not support a ballot question for school funding that does not include a real property tax portion. I presented my arguments and told them your position on the subject. At this time they will not change their position. Our vote is tomorrow. They may be right in "principal" but I feel this may doom the effort. I have done my very best, we'll see what happens now.

Take care!!

Perry Di Loreto

500 Damonte Ranch Parkway # 703

Reno, NV 89521

(775) 359-3000

Reno Newspapers, Inc. v. Jim Gibbons et
al.

Case No. 08 OC 00364 1B

PRIVILEGED AND CONFIDENTIAL

Page 15

6/11/2008

Jim Gibbons

From: Perry DiLoreto [perry@forumdevelopment.com]

Sent: Wednesday, April 23, 2008 6:55 PM

To: Jim Gibbons

Subject: School funding

Just passed the package that will go on the ballot. No property tax. Sales and gst only.
Perry M. Di Loreto

Jim Gibbons

From: Mendy K. Elliott
Sent: Wednesday, April 23, 2008 10:30 PM
To: Jim Gibbons
Subject: Nice job!

Sir

Nice job tonight! I enjoyed the Q & A the best.

Mendy K. Elliott

Director of Business and Industry

"Serving Nevada One Client at a Time"

Telephone: 775 684 2999

FAX: 775 684 2998

Jim Gibbons

From: Dianne Cornwall
Sent: Thursday, May 22, 2008 10:05 AM
To: Jim Gibbons
Subject: Re: (UNCLASSIFIED)

Dawn filed to stay in the mansion - or adjoining house, IFC meeting tomorrow at 3 - rick eaton avoiding me lots of talk about special session and taking the teachers 4 percent away - report on dairy issue - all are getting worked on - have. A good flight

----- Original Message -----

From: Jim Gibbons
To: Dianne Cornwall
Sent: Thu May 22 09:56:37 2008
Subject: Re: (UNCLASSIFIED)

I'm sitting on a SW flt right now departing Washinton to Las Vegas to Reno. Should get into Reno around 7 PM. What's up?

----- Original Message -----

From: Dianne Cornwall
To: Jim Gibbons
Sent: Thu May 22 07:30:48 2008
Subject: Re: (UNCLASSIFIED)

By the by I have severalthings to update you on and tthere is an IFC mtg tomorrow at 3 pm - I was supposed to go to orange county but have cancelled to be there - josh and andrew will also be there

----- Original Message -----

From: Dianne Cornwall
To: Jim Gibbons
Sent: Thu May 22 07:27:22 2008
Subject: Re: (UNCLASSIFIED)

Yes they0are not required to conform - even blessed by the attorney general - where are you and when do you get home

----- Original Message -----

From: Jim Gibbons
To: Dianne Cornwall
Sent: Thu May 22 07:24:46 2008
Subject: Fw: (UNCLASSIFIED)

Have we resolved this issue yet? Ask Josh for his opinion. Thanks.

----- Original Message -----

From: Burks William R Brig Gen <William.Burks@pentagon.af.mil>
To: Dianne Cornwall
Cc: Jim Gibbons; ron.bath@rjbath.com <ron.bath@rjbath.com>
Sent: Mon May 19 06:46:31 2008
Subject: FW: (UNCLASSIFIED)

Dianne -

Please see the email trail concerning the BRP and whether it is subject to the open meet laws in Nevada. Gen Bath or I can give you in person how the issue was raised, if you are interested. Since the issue was raised outside the BRP, I thought it prudent to ask the Guard JAG for an opinion on it. His opinion is attached and doesn't say much, other than he thinks the BRP might

Reno Newspapers, Inc. v. Jim Gibbons et al.

Case No. 08 OC 00364 1B

PRIVILEGED AND CONFIDENTIAL

Page 18

JFHQ-NV
Phone (775) 884-8411
Fax (775) 887-7279
Cell (775) 720-9983

-----Original Message-----

From: Fitch, Bob [mailto:BFitch@nevpa.com]
Sent: Tuesday, May 13, 2008 8:49 AM
To: Blower, Rick LTC
Cc: Burks, William BG
Subject:

Rick, would you please provide an initial reading of the applicability of Nevada's Open Meeting Law as it relates to the Governor's Blue Ribbon Panel? The purpose is to then have the TAG make a decision as to how to proceed with respect to the BRP and Open Meetings in an unclassified venue. Will we need to get an opinion from the Attorney General's office as well? Our next scheduled meeting is 21 May 08. Thanks...Bob

Bob Fitch

Change Management, Manager

Enterprise Work & Asset Management (EWAM)

(775) 834-5878 office

(775) 813-5878 cell

Classification: UNCLASSIFIED
Caveats: NONE

Jim Gibbons

From: Jim Gibbons
Sent: Monday, April 14, 2008 7:58 AM
To: 'Dawn Gibbons'
Subject: RE: I am with Jimmy and he wants you to give me his check to put in the bank. I have asked you twice and you haven't done as he wanted

Please do not send your personal e-mails to me on the State of Nevada system.

-----Original Message-----

From: Dawn Gibbons [mailto:dawngibbons@mac.com]
Sent: Thursday, April 10, 2008 11:56 AM
To: Jim Gibbons
Subject: I am with Jimmy and he wants you to give me his check to put in the bank. I have asked you twice and you haven't done as he wanted

Jim,

I am with Jimmy right now and he wants to make sure you give me his check to put in the bank. He told you that very specifically this morning when you called him. I have asked you twice over the past month and you haven't done as he wanted or as I requested on his behalf. I specifically asked you to leave Jimmy's checks and any mail he receives on the kitchen counter for me to take care of for him. Please make sure I get all of Jimmy's checks as soon as they arrive. He doesn't want you opening his mail nor holding on to his checks. Please do not hold on to his mail any longer. He has asked me to take care of this for him and he also said he told you today when you said you had his check to give it to me. Thanks.

Dawn and Jimmy

Reno Newspapers, Inc. v. Jim Gibbons et al.

Case No. 08 OC 00364 1B

PRIVILEGED AND CONFIDENTIAL

Page 22

Jim Gibbons

From: Dawn Gibbons [dawngibbons@mac.com]
Sent: Monday, April 21, 2008 6:08 AM
To: Jim Gibbons
Subject: Fwd: Flo Jones' comments of Fwd of April 16 2008 Meeting of RAIN Delegation with Justice Hardesty

I am just passing this email on as was requested below on behalf of Flo Jones however it does appear she has emailed it to many people.

Warmest Nevada regards,
 Dawn

Begin forwarded message:

From: Flo Jones <flojones39@yahoo.com>
Date: April 21, 2008 12:31:52 AM PDT
To: Dawn Gibbons <dawngibbons@mac.com>
Subject: Fw: Flo Jones' comments of Fwd of April 16 2008 Meeting of RAIN Delegation with Justice Hardesty

Hi Dawn--Here is more of the information on Dr. Jane. I am very sad to see what Dir. Howard Skolnik is doing to this fine woman who has served so many years in the NDOC. Please pass this on to the proper folks for help.
 Agape' Flo Jones

s assistant <jackson@nvcourts.nv.gov>; "bbuckley@asm.state.nv.us" <bbuckley@asm.state.nv.us>; Ben Kieckhefer <bkieck@gov.nv.gov>; reporter martha bellisle <mbellisle@rgi.com>; clee@sos.nv.gov; Gary Peck <aclunv@aclunv.org>; dgentry@klastv.com> Edwards <dredwards@cox.net>; harbert FFIP-ATV <hvrice@gbis.com>; Geoff Doman <gdorman@nevadaappeal.com>; Judge Douglas Hemdon <herndond@clarkcountycourts.us>; Justice Hardesty-Michelle Shull <inshull@nvcourts.nv.gov>; Steve Pol-Horsford <shorsford@sen.state.nv.us>; Maggie McLetchie <McLetchie@aclunv.org>; Lee Rowland <leecrowland@earthlink.net>; Richard L Siegel <sigel@unr.edu>; Mark Sayre TV 8 <msayre@klastv.com>; Alan Maimom <AMaimom@reviewjournal.com>; Supreme Court Clerk <nyscclerk@nvcourts.nv.gov>; Prof. Randy Sheldon <profgrs@cox.net>; Austin Pol <asstin@aol.com>; Cy Ryan <cy@lasvegassun.com>; Sen. Dina Titus <dritus@sen.state.nv.us>; Nick VandDer Poel <nvanderpoel@gov.nv.gov>; Ron Skinner Pershing Co. Sheriff <rskinner@pcrshingcounty.net>
 Cc: Ann Marie Palmer <vegas_nytes@hotmail.com>; Anna Adams <adams1166@yahoo.com>; Daniel Allen <DanielAllenL@yahoo.com>; Barbara La Coursier <LACOURSIE7@aol.com>; Brad Donnelly <hraddonnelly@comcast.net>; Bill & Joyce Mobly <moblyw@yahoo.com>; Charisma Boyer <gtivr682@gmail.com>; Debbie (#1 Vision Buddy) <panddvannmeter@yahoo.com>; Diane Donovaughn (Visions Buddy) <Donovaughn@aol.com>; Gwen Baccus <gwenbaccus@earthlink.net>; Paul Biddle <BiddleP@Co.Clark.NV.US>; Sharyn Brinker <sharynbrinker@msn.com>; Tonja Brown <tonjamasrod40@aol.com>; "Chatbratstar@aol.com" <Chatbratstar@aol.com>; Consuelo McQuin <consuelomccuin@yahoo.com>; Cheryl Pritchard <cherylpritchard@sbcglobal.net>; chuck & lou davidow <charles9830@sbcglobal.net>; Cindy Hammonds <redressinc2@yahoo.com>; Cindy Naylor-Haney <cindy.haney@dalusa.com>; Cindy Stockton <redressinc1@yahoo.com>; connie <ckosuda@yahoo.com>; candjyo@cox.net; George & Cathy Rakers <gcr3542@embarqmail.com>; larry rider <lryrdr@gmail.com>; Michelle Ravell <MichelleRavell@cox.net>; "ffipffipl@cox.net" <ffipffipl@cox.net>; Dr Jane Forakerthompson <jforakerthompson@clarwire.net>; Pastron Troy Martinez-Meth Program/Dawn Gibbons <cicspokesperson@yahoo.com>; Ester & Dorothy in Elko <ester@vitalityunlimited.org>; Vicki in Louisiana <lvnlm13@cox.net>; Judi Steele <steelej@ccpef.org>; june wood <cdbejune@cox.net>; katy <galacticmidwife@yahoo.com>; "kravetzlasvegas@netzero.net" <kravetzlasvegas@netzero.net>; Sherry Keithley <onceanokie75@yahoo.com>; Lori Kear <lkear@aol.com>; Leslie Johnson <sthborder@embarqmail.com>; MICKI2@aol.com; Evelyn Murphy <murphynv@yahoo.com>; pat hines <JPHINES854@aol.com>; patty <2bettyboop@msn.com>; Prison Advocate <mearl86@sbcglobal.net>; Prison Advocate <moblyw@yahoo.com>; Debra Wesley <PinkPanther1961@gmail.com>; Renee' Rampton <r.rampton@cox.net>; "raymarsee@embarqmail.com" <raymarsee@embarqmail.com>; Carol Reynolds <carol@carolreynolds.com>; sam dehne <renocitizen@gmail.com>; "sos89123@cox.net" <sos89123@cox.net>; teresa wemer <terwcr42@yahoo.com>; Teri Parker <tparker@cleanwaterteam.com>; Tosh Dawson

Reno Newspapers, Inc. v. Jim Gibbons et al.

Case No. 08 OC 00364 1B

PRIVILEGED AND CONFIDENTIAL

6/11/2008

<dawsonanddawson@gmail.com>; Toni FFIP-Silva <misstoni@cox.net>; Tiffany FFIP
<tiffany_bowling@hotmail.com>; Vicki in Louisiana <lvnlm13@cox.net>; Eva <wmnofsuccess@aol.com>; june
wood <cdbejune@cox.net>; William M. Clarke <wmarkclarke@aol.com>; Yuanita Cox <dcox@accutek.com>
Sent: Sunday, April 20, 2008 11:03:07 PM
Subject: Flo Jones' comments of Fwd of April 16 2008 Meeting of RAIN Delegation with Justice Hardesty

To all concerned with fairness and stopping the unchecked retaliation of the Department of Corrections.

Nothing short of replacing all of the administration down to Associate Wardens who have some evaluation process will correct this horrible situation.

THERE IS NO OVERSIGHT OF THIS OUT OF CONTROL DEPARTMENT LED BY DIRECTOR HOWARD SKOLNIK.

If you think the retaliation of the staff is serious just try and imagine what the inmates are exposed to. I am here to tell you that inmates are transfered without reason--locked up in dis and ad segregation--removed from their jobs--HOBBY CRAFT WAS TAKEN AWAY BECAUSE HOWARD SKOLNIK DIDN'T LIKE IT and their entire prison lives made horrible for nothing more that retaliation and vindictiveness.

When is the State of NV going to wake up and realized how serious this situation really is? Dr. Jane is on the front line. The offer from Director Skolnik which is a veiled threat must be exposed.

AN OVERSIGHT COMMITTEE AND AUDIT MUST BE IMMEDIATELY BEGUN ON THE DEPARTMENT OF PRISONS, WHICH IS EXACTLY WHAT DIRECTOR SKOLNIK AND HIS TOP ADMINISTRATORS ARE **CREATING WAREHOUSE PRISONS NOT CORRECTIONS WITH EDUCATION, TRAINING AND REHABILITATION.**

I ask that we join together to e-mail and snail mail Gov. Gibbons regarding this serious matter of human rights.

Agape' Flo Jones

----- Forwarded Message -----

From: Jane Foraker-Thompson <jforakerthompson@clearwire.net>
To: Larry Struve <ldstruve@sbcglobal.net>; bbeipolley@cox.net; Tom Beck <tom.kathryn.beck@sbcglobal.net>; Ruth Frazier <ruthfrazier@att.net>; Art Ritter <art@agnitter.com>; Wayne Brown <wdb02@mac.com>; Tim O'Callaghan <tim@vegas.com>; Tim O'Callaghan <tim.oc@gmgvegas.com>; Diane Drach-Meinel <pastordiane@csiconline.org>; John Auer <johnauer@gbis.com>; Julie Auer <jauers@gbis.com>; Reverend Alan Dorway <alanfpc@sbcglobal.net>; John Cracchiolo <jcracc@earthlink.net>
Cc: Bishop Minerva Carcano <bishopmc@desertsw.org>; Dan Edwards <bishop@nvdiocese.org>; Jim Houston Hencken <jimhh@fpcvegas.org>; David G. Mullen <dmullen@surewest.net>; Bishop Steve Talmage <steve.talmage@elca-grandcanyon.org>; chuck durante <fr.chuck@saint_teresaof_avila.org>; Robert /Dixie Jennings-Teats <jenningssteats@sbcglobal.net>; NCCThePowerZone@aol.com; michele Shull <mshull@nvcourts.nv.gov>
Sent: Friday, April 18, 2008 9:19:19 PM
Subject: Re: Minutes of April 16 2008 Meeting of RAIN Delegation with Justice Hardesty

Thank you for the Minutes Larry.

A friend of mine just sent me this note below. I'm not totally heartened by it, but I know it to be true. I sometimes ask, "why me Lord?" I don't much like the answer either.

"Unfortunately, there is much in Scripture about suffering for doing good. I'm sure that's what's going on. I read some encouraging words this morning in 1 Peter, and I'd like to share them with you:
"But even if you should suffer for righteousness' sake, you are blessed. "And do not be afraid of their threats, nor be troubled." But sanctify the Lord God in your hearts, and always be ready to give a defense to everyone who asks you a reason for the hope that is in you, with meekness and fear; having a good conscience, that when they defame you as evildoers, those who revile your good conduct in Christ may be ashamed. For it is better, if it is the will of God, to suffer for doing good than for doing evil." - 1 Peter 3:14-17

"It's hard to even think of signing up for this duty, but sometimes it's even God's will for us to "suffer for doing good". God

6/11/2008

Reno Newspapers, Inc. v. Jim Gibbons et al.
Case No. 08 OC 00364 1B
PRIVILEGED AND CONFIDENTIAL
Page 24

will be your strength as you go through this experience. Be careful not to get sucked into the negativity of it all; boldness (the ability from God to withstand attempts at intimidation); the truth spoken in love; and a forgiving spirit will be the character of Christ lived out through you. I'm also concerned for your health. Make sure to be "casting all your care on Him, for He cares for you". (1 Peter 5:7).

God bless,
Don"

Below is the answer that Howard Skolnik sent to Dennis Mallory, the SNEA/AFSCME (state employee's union) when Dennis asked on my behalf for a negotiation session between Skolnik and myself, and Dennis. He is threatening me if I open my mouth again. He would have no right to fire me because I have done nothing wrong, and I have a right to reach my retirement whether he likes it or not. Nor does he have the right to try to muzzle me so he can keep the rottenness of NDOC secret from the public.

According to the Retirement Office, I will not be eligible to retire until some time in August this year.

In the meantime, the NDOC Administrators have ignored their own AR's.

AR 339.04 Corrective Action, states: "The following should constitute the only authorized Corrective Action within the Department:

- Verbal Counseling
- Written Counseling
- Letter of Instruction
- Special Evaluation"

AR 339.05 Disciplinary Action, states "The following constitute the only authorized Disciplinary Action within the Department:

- Letter of Reprimand
- Specificity of Charges
- Demotion
- Dismissal"

They have not followed their own AR's. They consistently jumped right into a "Notice of Internal Investigation," without a word of verbal counseling, written counseling, letter of instruction, etc. They clearly have been "out to get me" for some time, ignoring all the rule and regs of their own procedure.

Skolnik obviously thinks he has the upper hand and wants to get away with this abuse, not only of me, but many others. Last Friday I attended a meeting of a number of staff from NSP who want to get rid of Warden Donat because of his capriciousness, favoritism/discrimination against certain employees, and his rule by fear, intimidation and harassment by write-ups of employees for small, petty things if he feels threatened by them or decides he does not like them, for whatever reasons.

One of my points is that their treatment of me may be worse than a lot of employees, but many others are treated similarly. My case is only the tip of the iceberg. There are other issues that I hope get raised by this publicity also: Their rule by fear and intimidation if you don't join the "good ole boys club;" their mistreatment of women prisoners being held at NNCC; and many examples of abuse of First Amendment Rights for both employees and prisoners. They do not deal with their employees in a dignified, fair, professional way and they do not follow their own AR's (see above) in dealing with employees. Once they have decided they want to get rid of someone, they just let it rip and go after them. They are totally unprofessional and very underhanded about it. I have no idea who my "accusers" are, for instance. There is no due process.

Some people think that you are a "professional" if you have been in a particular career for a number of years. Being a good professional in any field includes being knowledgeable and experienced, yes. But it also indicates following an ethical code for that profession, having high standards of behavior and means of accomplishing your tasks, working well with others in an open, honest and cooperative way. Some of the people running the NDOC are nothing but dressed up hoodlums who have no qualms in breaking the law or being extremely unethical in dealing with employees and inmates. Sometimes their behavior is more criminal than those that are the subjects of their abuse. The documents recently sent out of prison by an inmate indicate the level of some of the criminal activity by some administrative staff going on. It's not new and it didn't start with Howard Skolnik, but he hasn't done anything to clean it up either.

I keep hoping for Justice! Is that too much to ask?

Rev. Jane Foraker-Thompson,
Prison Chaplain
---among other things.

--- Original Message ---

From: Dennis Mallory
To: Jane Foraker-Thompson
Sent: Tuesday, April 15, 2008 1:19 PM
Subject: FW: Reverend Jane

FYI

Dennis Mallory

Reno Newspapers, Inc. v. Jim Gibbons et al.

Case No. 08 OC 00364 1B

PRIVILEGED AND CONFIDENTIAL

Page 25

6/11/2008

Chief of Staff
AFSCME Local 4041
709 E. Robinson Street
Carson City, NV. 89701
Work Phone: 775-882-3910
Fax: 775-882-1202

From: Howard Skolnik [mailto:hskolnik@doc.nv.gov]
Sent: Tuesday, April 15, 2008 12:32 PM
To: Dennis Mallory
Cc: Carla Crevling
Subject: Reverend Jane

If she provides us with a resignation (retirement) effective June 10, the day after her five year anniversary. we will not pursue discipline which might come out of the current investigation. She would be allowed to remain on administrative leave until that date. No more media or interviews or we will withdraw the offer.

Howard L. Skolnik
Director
Nevada Department of Corrections
5500 Snyder Avenue
Stewart Facility, 8ldg 17
Carson City, NV 89701
775-887-3216

Be a better friend, newshound, and know-it-all with Yahoo! Mobile. [Try it now.](#)

Be a better friend, newshound, and know-it-all with Yahoo! Mobile. [Try it now.](#)

Jim Gibbons

From: Dawn Gibbons [dawn@gibbons@mac.com]
 Sent: Monday, April 21, 2008 6:10 AM
 To: Jim Gibbons
 Subject: Fwd: Flo Jones' comments of Fwd of April 16 2008 Meeting of RAIN Delegation with Justice Hardesty

an additional email

Warmest Nevada regards,
 Dawn

Begin forwarded message:

From: Flo Jones <flojones39@yahoo.com>
 Date: April 21, 2008 12:28:52 AM PDT
 To: Dawn Gibbons <dawn@gibbons@mac.com>
 Subject: Fw: Flo Jones' comments of Fwd of April 16 2008 Meeting of RAIN Delegation with Justice Hardesty

Hi Dawn--Here is information that I pray both you and Gov. Gibbons will have checked out vindictive retaliation against Dr. Jane. This is not a new situation with the NDOC but I must admit the offer/threat [the last e-mail] from Dir. Skolnik is absolutely scary. Agape' Flo Jones

----- Forwarded Message -----

From: Flo Jones <flojones39@yahoo.com>
 To: Sherman Frederick <SFrederick@reviewjournal.com>; John L. Smith RJ Reporter <jsmith@reviewjournal.com>; Anjeanette Damon <adamjon@rgi.com>; Asm. Dave Parks <dparks@asm.state.nv.us>; Asm. Munford <h_munford@cox.net>; Asm. Dr. Joe Hardy <hardybc1@embarqmail.com>; Chief Deputy AG Chrintine Guerri-Nyhus <cmguerri@ag.state.nv.us>; Chief Justice Maupin's assistant <jackson@nvcourts.nv.gov>; "bbuckley@asm.state.nv.us" <bbuckley@asm.state.nv.us>; Ben Kieckhefer <bkieck@gov.nv.gov>; reporter martha bellisle <mbellisle@rgi.com>; clee@sos.nv.gov; Gary Peck <aclunv@aclunv.org>; dgentry@klastv.com Edwards <drcdwards@cox.net>; harbert FFIP-ATV <hvrice@gbis.com>; Geoff Dorman <gdorman@nevadaappeal.com>; Judge Douglas Herndon <herndon@clarkcountycourts.us>; Justice Hardesty-Michelle Shull <mshull@nvcourts.nv.gov>; Steve Pol-Horsford <shorsford@sen.state.nv.us>; Maggie McLetchie <McLetchie@aclunv.org>; Lee Rowland <leerowland@earthlink.net>; Richard L Siegel <siegel@unr.edu>; Mark Sayre TV 8 <msayre@klastv.com>; Alan Maimom <AMaimom@reviewjournal.com>; Supreme Court Clerk <nvscclerk@nvcourts.nv.gov>; Prof. Randy Sheldon <profrrs@cox.net>; Austin Pol <asstin@aol.com>; Cy Ryan <cy@lasvegassun.com>; Sen. Dina Titus <dtitus@sen.state.nv.us>; Nick VandDer Poel <nvanderpoel@gov.nv.gov>; Ron Skinner Pershing Co. Sheriff <rskinner@pershingcounty.net>
 Cc: Ann Marie Palmer <vegas_nytes@hotmail.com>; Anna Adams <adams1166@yahoo.com>; Daniel Allen <DanielAllenI@yahoo.com>; Barbara La Coursier <LACOURSIER7@aol.com>; Brad Donnelly <braddonnely@comcast.net>; Bill & Joyce Mobly <moblyw@yahoo.com>; Charisma Boyer <grivr682@gmail.com>; Debbie (#1 Vision Buddy) <panddvanneter@yahoo.com>; Diane Donovanagh (Visions Buddy) <Donovaughn@aol.com>; Gwen Baccus <gwenbaccus@earthlink.net>; Paul Biddle <BiddleP@Co.Clark.NV.US>; Sharyn Brinker <sharynbrinker@msn.com>; Tonja Brown <tonjamasrod40@aol.com>; "Chatbratstar@aol.com" <Chatbratstar@aol.com>; Consuelo McCuin <consuelomccuin@yahoo.com>; Cheryl Pritchard <cherylpritchard@sbcglobal.net>; chuck & lou davidow <charles9830@sbcglobal.net>; Cindy Hammonds <redressinc2@yahoo.com>; Cindy Naylor-Haney <cindy.haney@dalusa.com>; Cindy Stockton <redressinc1@yahoo.com>; connie <ckosuda@yahoo.com>; candjyo@cox.net; George & Cathy Rakers <gcr3542@embarqmail.com>; larry rider <lrvidr@gmail.com>; Michelle Ravell <MichelleRavell@cox.net>; "ffipffip1@cox.net" <ffipffip1@cox.net>; Dr Jane Forakerthompson <jforakerthompson@clarwire.net>; Pastron Troy Martinez-Meth Program/Dawn Gibbons <ciscspokesperson@yahoo.com>; Ester & Dorothy in Elko <ester@vitalityunlimited.org>; Vicki in Louisiana <lvnlml3@cox.net>; Judi Steele <steelcj@ccpef.org>; june wood <cdbejune@cox.net>; katy <galacticmidwife@yahoo.com>; "kravetzlasvegas@netzero.net" <kravetzlasvegas@netzero.net>; Sherry Keithley <onccanokie75@yahoo.com>; Lori Kear <lkear@aol.com>; Leslie Johnson <sthborder@embarqmail.com>; MICK12@aol.com; Evelyn Murphy <emurphy@v@yahoo.com>; pat hines <JPHINES854@aol.com>; patty <2bertyboop@msn.com>; Prison Advocate <mcarls86@sbcglobal.net>; Prison Advocate <moblyw@yahoo.com>; Debra Wesley <PinkPanther1961@gmail.com>; Renee' Rampton <r.rampton@cox.net>;

6/11/2008

Reno Newspapers, Inc. v. Jim Gibbons et al.

Case No. 08 OC 00364 1B

PRIVILEGED AND CONFIDENTIAL

Page 27

"raymarsee@embarqmail.com" <raymarsee@embarqmail.com>; Carol Reynolds <carol@carolreynolds.com>; sam dehne <rcnociizen@gmail.com>; "sos89123@cox.net" <sos89123@cox.net>; teresa weimer <terwer42@yahoo.com>; Teri Parker <tparker@cleanwaterteam.com>; Tosh Dawson <dawsonanddawson@gmail.com>; Toni FFIP-Silva <misstoni@cox.net>; Tiffany FFIP <tiffany_bowling@hotmail.com>; Vicki in Louisiana <lvnlrn13@cox.net>; Eva <wmnofsuccss@aol.com>; june wood <edbejune@cox.net>; William M. Clarke <wmarkclarke@aol.com>; Yuanita Cox <dcox@accutek.com>
Sent: Sunday, April 20, 2008 11:04:01 PM
Subject: Flo Jones' comments of Fwd of April 16 2008 Meeting of RAIN Delegation with Justice Hardesty

To all concerned with fairness and stopping the unchecked retaliation of the Department of Corrections.

Nothing short of replacing all of the administration down to Associate Wardens who have some evaluation process will correct this horrible situation.

THERE IS NO OVERSIGHT OF THIS OUT OF CONTROL DEPARTMENT LED BY DIRECTOR HOWARD SKOLNIK.

If you think the retaliation of the staff is serious just try and imagine what the inmates are exposed to. I am here to tell you that inmates are transferred without reason--locked up in dis and ad segregation--removed from their jobs--HOBBY CRAFT WAS TAKEN AWAY BECAUSE HOWARD SKOLNIK DIDN'T LIKE IT and their entire prison lives made horrible for nothing more that retaliation and vindictiveness.

When is the State of NV going to wake up and realized how serious this situation really is? Dr. Jane is on the front line. The offer from Director Skolnik which is a veiled threat must be exposed.

AN OVERSIGHT COMMITTEE AND AUDIT MUST BE IMMEDIATELY BEGUN ON THE DEPARTMENT OF PRISONS, WHICH IS EXACTLY WHAT DIRECTOR SKOLNIK AND HIS TOP ADMINISTRATORS ARE CREATING WAREHOUSE PRISONS NOT CORRECTIONS WITH EDUCATION, TRAINING AND REHABILITATION.

I ask that we join together to e-mail and snail mail Gov. Gibbons regarding this serious matter of human rights.

Agape' Flo Jones

----- Forwarded Message -----

From: Jane Foraker-Thompson <jforakerthompson@clearwire.net>
To: Larry Struve <ldstruve@sbcglobal.net>; bbelpolley@cox.net; Tom Beck <tom.kathryn.beck@sbcglobal.net>; Ruth Frazier <ruthfrazier@att.net>; Art Ritter <art@agritter.com>; Wayne Brown <wdb02@mac.com>; Tim O'Callaghan <tim@vegas.com>; Tim O'Callaghan <tim.oc@gmgvegas.com>; Diane Drach-Meinel <pastordiane@cslconline.org>; John Auer <johnauer@gbis.com>; Julie Auer <jauers@gbis.com>; Reverend Alan Dorway <alanfpc@sbcglobal.net>; John Cracchiolo <jcracc@earthlink.net>
Cc: Bishop Minerva Carcano <bishopmc@desertsw.org>; Dan Edwards <bishop@nvdiocese.org>; Jim Houston Hencken <jimhh@fpcvegas.org>; David G. Mullen <dmullen@surewest.net>; Bishop Steve Talmage <steve.talmage@elca-grandcanyon.org>; chuck durante <fr.chuck@saint_teresaof_avila.org>; Robert /Dixie Jennings-Teats <jenningsteats@sbcglobal.net>; NCCThePowerZone@aol.com; michele Shull <mshull@nvcourts.nv.gov>
Sent: Friday, April 18, 2008 9:19:19 PM
Subject: Re: Minutes of April 16 2008 Meeting of RAIN Delegation with Justice Hardesty

Thank you for the Minutes Larry.

A friend of mine just sent me this note below. I'm not totally heartened by it, but I know it to be true. I sometimes ask, "why me Lord?" I don't much like the answer either.

"Unfortunately, there is much in Scripture about suffering for doing good. I'm sure that's what's going on. I read some encouraging words this morning in 1 Peter, and I'd like to share them with you:
"But even if you should suffer for righteousness' sake, you are blessed. "And do not be afraid of their threats, nor be troubled." But sanctify the Lord God in your hearts, and always be ready to give a defense to everyone who asks you a reason for the hope that is in you, with meekness and fear; having a good conscience, that when they defame you as evildoers, those who revile your good conduct in Christ may be ashamed. For it is better, if it is the will of God, to suffer for doing good than for

Reno Newspapers, Inc. v. Jim Gibbons et al.

Case No. 08 OC 00364 1B

PRIVILEGED AND CONFIDENTIAL

Page 28